

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 11-10848  
USDC No. 3:07-CV-399  
\_\_\_\_\_

QUINTIN LEE ALONZO,

Petitioner-Appellant

v.

RICK THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
\_\_\_\_\_

**O R D E R:**

Quintin Lee Alonzo, Texas prisoner # 1158688, was convicted by a jury of one count of murder and two counts of aggravated assault. He was sentenced to life in prison. The district court dismissed his 28 U.S.C. § 2254 application after concluding that some of his claims were procedurally defaulted and that the remaining claims lacked merit. His motion for leave to file a supplemental brief is GRANTED.

Alonzo seeks a certificate of appealability (COA) so that he may bring an appeal raising claims that the district court wrongly determined that he failed to exhaust and procedurally defaulted his claims that the prosecution committed misconduct by knowingly eliciting false testimony and that his trial counsel

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rendered ineffective assistance by failing to challenge the introduction of false testimony. He also argues that his trial counsel rendered ineffective assistance by failing to call at trial a number of potentially exculpatory witnesses. While Alonzo raised other claims in his § 2254 application, he has abandoned them by not raising them in his instant motion for a COA. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1989).

A COA may issue only if the applicant “has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When the district court has denied federal habeas relief based upon procedural grounds without analysis of the underlying constitutional claims, “a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack*, 529 U.S. at 484. If a district court denies federal habeas relief on the merits, the movant must show that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong. *Id.* Alonzo has not met these standards.

Alonzo’s motion for a COA is DENIED.

/s/ EDITH BROWN CLEMENT  
EDITH BROWN CLEMENT  
UNITED STATES CIRCUIT JUDGE

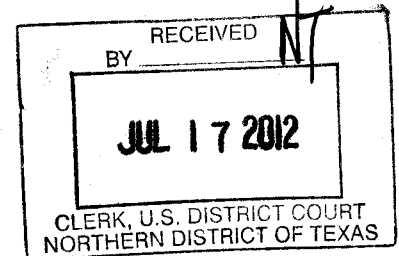
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LYLE W. CAYCE  
CLERK

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NEW ORLEANS, LA 70130

July 06, 2012

Ms. Karen S. Mitchell  
Northern District of Texas, Dallas  
United States District Court  
1100 Commerce Street  
Earle Cabell Federal Building  
Room 1452  
Dallas, TX 75242



No. 11-10848, Quintin Alonzo v. Rick Thaler, Director  
USDC No. 3:07-CV-399

Enclosed is a copy of the judgment issued as the mandate.

Record/original papers/exhibits are returned:

( ) Volumes ( ) Envelopes ( 2 ) Boxes

The electronic copy of the record has been recycled.

(2) Boxes

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SCP

Sincerely,

LYLE W. CAYCE, Clerk

By: 

Steve A. Totoro, Deputy Clerk  
504-310-7667

cc w/encl:

Honorable Reed Charles O'Connor  
Mr. William Reynolds Biggs  
Mr. Peter Samuel McGuire  
Mr. Jon Rodney Meador